

## **ANNUAL REPORT OF THE JUDICIAL OFFICER**

### **Fiscal Year 2006**

The Judicial Officer issues the final decision for the Secretary of Agriculture in all cases appealed from initial decisions of USDA's administrative law judges (ALJs). The cases arise under the Agricultural Adjustment Act; the Agricultural Marketing Agreement Act; the Animal Health Protection Act; the Animal Welfare Act; the Beef Promotion and Research Act; the Equal Access to Justice Act; the Federal Crop Insurance Act; the Federal Meat Inspection Act; the Forest Resources Conservation and Shortage Relief Act; the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act; the Horse Protection Act of 1970; the Mushroom Promotion, Research, and Consumer Information Act; the Organic Foods Production Act of 1990; the Packers and Stockyards Act; the Perishable Agricultural Commodities Act; the Plant Protection Act; the Plant Variety Protection Act; and the Poultry Products Inspection Act. The Judicial Officer also rules on motions filed by parties to proceedings and questions submitted by ALJs and issues reparation orders for money damages under the Packers and Stockyards Act and the Perishable Agricultural Commodities Act. Appeals from the Judicial Officer's decisions lie primarily to the United States Courts of Appeals, but, under some statutes, appeals lie to the United States District Courts. The Department has no right of appeal from a decision by the Judicial Officer.

The Office of the Judicial Officer is staffed by three persons: the Judicial Officer, an attorney examiner, and a legal technician, who also serves as secretary, paralegal, and administrative assistant.

The following three tables provide an indication of the production of the office and the direction of the backlog in the office. I have not included in these tables the five Packers and Stockyards Act reparation orders and the 364 Perishable Agricultural Commodities Act reparation orders issued by the Judicial Officer in FY 2006.

### **CASES RECEIVED – DECIDED – PENDING**

	<b>FY 04</b>	<b>FY 05</b>	<b>FY 06</b>
Cases Pending Beginning of Year	4	6	8
Cases Received During Year	39	55	43
Cases Decided During Year	37	53	46
Cases Pending End of Year	6	8	5

### NUMBER OF CASES DECIDED BY JUDICIAL OFFICER

<b>Fiscal Year</b>	<b>No.</b>	<b>Fiscal Year</b>	<b>No.</b>
1979	26	1993	53
1980	21	1994	51
1981	29	1995	36
1982	33	1996	34
1983	34	1997	43
1984	26	1998	48
1985	50	1999	45
1986	42	2000	35
1987	36	2001	30
1988	40	2002	30
1989	43	2003	29
1990	42	2004	37
1991	56	2005	53
1992	62	2006	46

### INTERVAL BETWEEN REFERRAL TO JO AND JO DISPOSITION

<b>Fiscal Year</b>	<b>Median Interval</b>	<b>Longest Interval</b>	<b>Number of Cases Over 4 Months</b>	<b>Number of Cases Over 8 Months</b>
1996	1 mo.	7 mo.	10	0
1997	2 mo. 2 wk.	1 yr. 3 wk.	13	8
1998	2 mo.	2 yr. 3 mo.	3	1
1999	1 mo.	6 mo. 2 wk.	2	0
2000	3 wk.	6 mo. 2 wk.	1	0
2001	1 wk.	2 mo.	0	0
2002	2 wk.	3 mo. 2 wk.	0	0
2003	1 wk.	11 mo. 2 wk.	3	3
2004	1 wk.	1 yr. 5 mo.	4	4
2005	1 wk. 3 da.	1 yr. 6 mo.	3	1
2006	2 wk.	1 yr. 2 wk.	6	4

A summary of the major decisions issued by the Judicial Officer in FY 2006 is attached as Appendix 1; a list of the pending cases referred to the Judicial Officer is attached as Appendix 2; a list of decisions issued by the Judicial Officer, which were appealed in FY 2006, is attached as Appendix 3; and Court dispositions is attached as Appendix 4.